

US EPA and North Dakota Departments of Agriculture and Health

Agriculture Smart Sectors Meeting

Rapid City, SD

Thursday, July 12, 2018

Meeting Summary

Welcome and Introductions

Environmental Protection Agency (EPA) Senior Advisor to the Regional Administrator Patrick Davis welcomed attendees and invited the attendees to introduce themselves and offer their ideas for EPA reforms.

Stakeholder Input

Participants introduced themselves and provided the following comments organized by environmental statute:

Clean Water Act:

- EPA needs to be more supportive of the benefits of manure. EPA should define manure as an “organic fertilizer” in its literature.
- A study of manure application to frozen ground was completed. What additional research needs to be done to change perceptions of manure as a fertilizer?
- Participants asked for an update on the Flat Top Mine grant. See the attached letter to Senator Bennet regarding Flat Top Mine.
- EPA’s 319 Non-point pollution grant program (<https://www.epa.gov/nps/319-grant-program-states-and-territories>) is very important to South Dakota. Need to make sure the money for these projects still exists. The South Dakota Department of Natural Resources has been great to work with on these issues.
- Nutrient/fecal coliform contaminants impacting the Belle Fourche River flowing between Wyoming and South Dakota are of concern. TSS is the issue due to flooding and irrigation.
- WOTUS – Participants want certainty on intermittent streams and the definition of a water of the US.
- Participants asked for reduced regulatory oversight where appropriate for NPDES.
- Urban areas need more education about the impact of nutrients from lawn chemicals.
- Patrick Davis gave an update on the PFAS/PFOA contaminant issue.

Clean Air Act:

- Participants were concerned about having to comply with CERCLA/EPCRA air reporting regulations.
- Use common sense when writing dust regulations.
- RFS waivers to small refineries should stop.

FIFRA:

- The SDDA acting Secretary asked if Dicamba is going away. Rebecca Perrin will follow up with SDDA staff. The SDDA is starting to get calls from producers about dicamba.
- SDDA wants to be more in the loop regarding worker protection standards regulations.
- EPA needs to provide additional applicator training focusing on drift issues and applications to trees and in road side ditches.
- Participants expressed interest in liability reduction for chemical trespass (drift) between neighbors practicing organic and conventional farming.

Superfund/RCRA:

- Patrick Davis provided an update on the Superfund program.
- Participants expressed concern about an abandoned hog facility on the Rosebud Reservation. Concerns over waste left in place. Did the EPA inspect the facility before it was closed? SDDA can't get an answer from EPA about the inspection of this facility.

Miscellaneous/another Federal agency:

- Stakeholders expressed a desire for the EPA/state relationship to remain positive.
- Surplus state land in South Dakota is being planted with pollinator plots. Milkweed is being planted to attract Monarch butterflies.
- Participants are concerned about the level of agriculture knowledge at EPA HQ. They are happy with regional knowledge and encourage more regional staff to engage with HQ staff.
- Participants are concerned with range land being converted to crop land and the need to mitigate issues of soil health.
- Participants want continued improvement on permitting speed, particularly for livestock producers.
- What is EPA doing to help educate the public about the good environmental protection work agriculture is doing?
- A perception exists that EPA will prevent ag producers from getting permits to expand their operations.
- Which ag programs does EPA offer for tribes?

- 404 permits – Participants expressed concern over the lack of coordination between the EPA and US Army Corps of Engineers regarding draw down dams. Participants don't know which agency to call.
- Does EPA assess mental health effects of pesticides? Is there a link between pesticides and the rise in suicides among farmers?

Next Steps

EPA staff will follow up on the various ideas suggested during the meeting and respond to individual concerns in a timely manner.